

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

YUN ZHOU ZHANG,

Petitioner,

-v.-

OSCAR AVILES, *in his official capacity as Warden of Hudson County Correctional Facility*, CHRISTOPHER SHANAHAN, *in his official capacity as New York Field Office Director for U.S. Immigration and Customs Enforcement*, JEH JOHNSON, *in his Official Capacity as Secretary of Homeland Security*, and LORETTA LYNCH, *in her official capacity as Attorney General of the United States*,

Respondents.

15 Civ. 5340 (KPF)

SCHEDULING ORDER

KATHERINE POLK FAILLA, District Judge:

On July 29, 2015, the Honorable Shira A. Scheindlin entered an Order requiring the Government to provide Petitioner with an individualized bond hearing within fifteen days and closing this case. (Dkt. #7). On September 28, 2015, Respondents filed a notice of appeal of that decision. (Dkt. #9). On April 27, 2020, the Second Circuit Court of Appeals remanded this matter for further consideration in light of the Supreme Court's decisions *Nielsen v. Preap*, 139 S. Ct. 954 (2019), and *Jennings v. Rodriguez*, 138 S. Ct. 830 (2018). The matter was reassigned to this Court on April 28, 2020.

The Court has been advised that Petitioner was given an individualized bond hearing on August 5, 2015, that was continued to September 15, 2015, at which time the presiding immigration judge denied Petitioner bond. The Court has been further advised that Petitioner was granted a second bond

hearing based upon changed circumstances, which resulted in Petitioner being granted bond. Petitioner was released from ICE custody on December 30, 2015, and remains at liberty. Finally, the Court has been advised that an immigration judge granted Petitioner's application for relief from removal on July 13, 2018, that the Government appealed that decision to the Board of Immigration Appeals, and that the appeal remains pending.

In light of these developments, the parties are hereby ORDERED to file letters on or before June 2, 2020, advising the Court as to their positions regarding whether the Petition has been mooted, and if they believe it has not been mooted, proposing next steps in this proceeding. If the parties believe the matter has not been mooted, they are further directed to provide the Court with the names of the public officers who succeeded the named Defendants in their official positions, so the case caption can be updated pursuant to Federal Rule of Civil Procedure 25(d).

SO ORDERED.

Dated: May 18, 2020
New York, New York

A handwritten signature in blue ink, reading "Katherine Polk Failla".

KATHERINE POLK FAILLA
United States District Judge